

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2745 of 2006

DATED: 14-02-2006

Between:

Joreegala Bangaram

S/o. late Gangaiah ...Petitioner

And

The Mandal Revenue Officer,

Sabbavaram and another ...Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2745 of 2006

ORDER:

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The present writ petition is filed by the petitioner seeking to declare the action of the respondents in threatening to dispossess him from the lands of Ac.3.00 in Survey No.142 part in Iruvada village and Ac.1.90 in Survey No.1-1A in Asakapally village of Sabbavaram Mandal, Visakhapatnam District without due process of law is as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioner submits that the father of the petitioner was assigned Ac.3.00 in Survey No.142 part in Iruvada village and Ac.1.90 in

Survey No.1-1A in Asakapally village of Sabbavaram Mandal, Visakhapatnam District vide 'D' form patta in DR.No.436/88, HC, dated 10-11-1988 and the father of the petitioner was in continuous possession till his death, who expired on

06-02-1989. Thereafter, the petitioner is in continuous possession and enjoyment of the said lands by cultivating personally. It is stated that if any of the conditions of the 'D' form patta are violated, it is always open for the respondents to issue notice and resume the lands. But without following due process of law, the respondents cannot dispossess the petitioner from the said lands.

In view of the fact that without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondents not to dispossess the petitioner without following due process of law.

Accordingly, writ petition is disposed of and the respondents are hereby directed not to interfere with the possession of the petitioner without following due process of law. No order as to costs.

V. ESWARAIAH, J.

Dated: 14-02-2006.

RNS